



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED IN PART WITH PREJUDICE: April 23, 2008

CBCA 802

GULF SHORES, LLC,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Michael J. Caywood of Dresser, Dresser, Haas & Caywood, P.C., Sturgis, MI, counsel for Appellant.

Jean Hardin, Office of Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, Washington, DC, counsel for Respondent.

DRUMMOND, Board Judge.

ORDER

This appeal involves a dispute between Gulf Shores, LLC (Gulf Shores or appellant) and the Department of Homeland Security, Federal Emergency Management Agency (FEMA or respondent). The dispute arose from a contract for mobile home pads in Florida. Appellant moves to dismiss, with prejudice, that portion of its claim seeking reimbursement for attorney fees and costs incurred by another entity, Riverwood Development, in a dispute with appellant in Florida. *See Gulf Shores v. Riverwood Development*, 927 So. 246 (Fla. Dist. Ct. App. 2006). Appellant seeks to have its certified claim amount of \$191,029.50 reduced by \$44,460, with the balance of its claim for additional expenses arising under a "Mobile Home Unit Pad Lease" remaining. Appellant notes in its motion that:

[a]t the time of the original claim of Gulf Shores against FEMA, the attorneys' fees issue with Riverwood was still in dispute.

Although this case was resolved just prior to the certified claim of Gulf Shores that is the subject matter of this claim, it was the understanding of Gulf Shores that despite the Court of Appeals decision, it still paid attorneys' fees to Riverwood to avoid any further appeals. Upon investigation of this issue following the Government's Motion to Dismiss, it was discovered that Gulf Shores did not pay Riverwood for any of its attorneys' fees. Consequently, Gulf Shores moves to dismiss a portion of its damages claim by the amount of \$44,460, which is the Riverwood attorneys' fees component of the damages calculation.

Appellant's unopposed motion is granted. It is hereby ordered that the portion of appellant's claim seeking attorney fees and costs relating to its dispute with Riverside Development in Florida shall be **DISMISSED WITH PREJUDICE** and appellant's certified claim amount of \$191,029.50 shall be reduced by \$44,460.

JEROME M. DRUMMOND
Board Judge